

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

JOHN BUTLER,)
)
Plaintiff) 1:23-CV-00289-SPB
)
vs.) RICHARD A. LANZILLO
CAPTAIN FLOYD, LIEUTENANT) CHIEF UNITED STATES MAGISTRATE
STAFFORD, JAMES BARNACLE, F.) JUDGE
NUNEZ, C.O. BOYCE #1, C.O. BOYCE) ORDER ON PLAINTIFF'S MOTION TO
#2, C.O. HAFELI, C.O. QUINN, C.O.) COMPEL DISCOVERY RESPONSES
PLACE, C.O. STOKES, SUED IN) IN RE: ECF NO. 31
INDIVIDUAL AND OFFICIAL)
CAPACITIES;)
)
Defendants)

Pending before the Court is Plaintiff John Butler's ("Butler") motion to compel certain discovery responses. *See* ECF No. 31. A telephone status conference was conducted this day during which the Court reviewed Butler's requests. *See* ECF No. 34 (Minute Entry). As explained on the record, the motion is **GRANTED** in part and **DENIED** in part. To wit:

1. Butler's request that the Defendants provide him with copies of an "abuse grievance" and "formal complaint" is granted to the extent such documents exist and are in their possession, custody or control. *See* ECF No. 31, ¶ 3. The Court notes that Butler acknowledged possession of a copy of both of the requested documents. The Defendants, to the extent they are able, are to confirm receipt of the grievance and/or complaint and to produce all documents relating to any grievance the Plaintiff filed or attempted to file concerning his abuse complaint.

2. Butler's request that he be permitted to view hand-held video footage of his escort to the restricted housing unit at SCI-Albion on August 1, 2023, is granted. *See id.*, ¶ 4. Counsel

for the Defendant stated that he would attempt to locate such a video, but was not certain it has been preserved. If located, the Defendants are directed to produce the footage for Butler's viewing.

3. Butler's request that he be permitted to view any video footage of his time in a psychiatric observation cell from August 5, 2023, to August 10, 2023, is denied. *Id.*, ¶ 5. This request is denied as overly broad, not relevant to Butler's claims, and disproportionate to the needs of the case. *See, e.g., Molina v. Kauffman*, 2023 WL 3077801, at *7 (M.D. Pa. Apr. 25, 2023).

4. Butler's request for production of video of his misconduct hearings on August 16, 2023, and August 23, 2023, at SCI-Houtzdale is denied. ECF No. 31, ¶ 6. Such video is irrelevant to the claims alleged, overly broad and disproportionate to the needs of the case.

5. Butler's request that he be provided video footage of his "Restricted Release Hearing" from May 1, 2024, is denied. *Id.*, ¶ 7. Butler acknowledged the release hearing took place after the events at issue in this case. Thus, it is not relevant to the claims alleged herein.

6. Finally, Butler's application for a thirty-day extension of the discovery deadline is granted. Currently discovery is set to close on August 15, 2024. *See* ECF No. 30. The Defendants are hereby granted thirty days to comply with this order. The Defendants are further directed to file a supplemental notification on the docket attesting to their compliance with this Order. Upon the docketing of the Defendants' supplemental notification, Butler will be granted thirty days to review the newly produced material. Given this extension, the deadlines for filing of motions for summary judgment and pretrial statements are suspended. *See id.* A revised Case Management Order will issue upon the docketing of the Defendants' supplemental notification.

Entered and Ordered this 13th day of August, 2024.

BY THE COURT:



RICHARD A. LANZILLO
CHIEF UNITED STATES MAGISTRATE JUDGE